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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/426,023    10/25/99    BOSS

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PM82/0214

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EXAMINER
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342 MADISON AVENUE  
SUITE 1921  
NEW YORK NY 10173

SHAPIRO, J	
ART UNIT	PAPER NUMBER

3651  
DATE MAILED:

4

02/14/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Office Action Summary**

Application No.

09/426,023

Applicant(s)

BOSS, HEINZ

Examiner

Jeffrey A. Shapiro

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 October 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities.

On p. 9 of the specification, two lines from the bottom, drive (10) appears to be drive (19).

"10" is used for both the "drive" and for the "addressing unit". See p.9, two lines from the bottom, and p.11, line 4, of the specification.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear whether or not the phrase "collector chain drive is a servo drive" is again referring to the same servo drive described in lines 8-11. It appears that Claim 4 is claiming the same element as previously described a second time.

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Toward the end of the second line and the start of the third, it appears that the word "to" should be "for". For the purposes of this action, it will be assumed that the word "for" is the intended word.

### ***Claim Rejections - 35 USC § 102***

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 rejected under 35 U.S.C. 102(b) as being anticipated by Haris.

Haris discloses an apparatus for collecting, stitching, and cutting printed products as follows.

As described in Claim 1:

- 1.) An endless collector chain (12);
- 2.) Successively arranged feeders (14c and 14d) mounted above the collector chain;
- 3.) A stitching device (30);
- 4.) A delivery unit (32);
- 5.) a drive unit (20) comprised of at least one servo drive and a collector chain drive connected to the collector chain (Note that such a combination is well known in the art. See incorporated patent 4,768,766, elements (50, 65, and 67), col. 6, lines 38-42) ;

As described in Claim 2:

- 6.) The servo drive is configured to drive at least one of a stitching machine and a trimmer and at least one feeder (Note that said stitcher and trimmer are controlled by the same data processors (22 and 18), implying that servo drive or its functional equivalent is used by the device of Harris);

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As described in Claim 3:

- 7.) Additional servo drives for individually driving the feeders (Note that said feeders are linked to said data processors (22 and 18) implying servo drives or the equivalent are used to control said feeders);

As described in Claim 4;

- 8.) The collector chain drive is a servo drive (See 5 above);

As described in Claim 5;

- 9.) The collector chain drive is configured as master and the servo drive and the additional servo drives are each configured as slaves (Note that data processor (22) controls all components, some through slaved bindery control (18) which is a functional equivalent to a master/servant configuration);

As described in Claim 6;

- 10.) The additional servo drives are configured to follow the collector chain drive configured as a servo drive synchronously with respect to rotation (Note that it is inherent that in order for data processor (22) to control various components of the system, many, if not all of which comprise shafted and geared components, that synchronous drive with respect to rotation must be effected);

As described in Claim 7;

- 11.) Each feeder (14a-d) is configured to be operated individually relative to the collector chain (See col. 8, lines 53-64);

As described in Claim 8;

12.) Electronic means for adjusting a speed of the collector chain according to the different chain spacings (See figure 1);

As described in Claim 9;

13.) The servo drive of the collector chain comprises an overload function (Note that it is inherent in industry to use servo drives having an overload function);

As described in Claim 10;

14.) Electronic means for carrying out the time adjustment of the feeders relative to the collector chain (Again, note data processors (22 and 18)).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jager, Hollenstein et al, Newsome, Kahlig et al, Klaas et al (US 6,019,047), Klaas et al (US 5,819,663), Jorg, Kaish et al, Rawlings et al, Jackson, Gruber et al, Valenti et al, Harder et al, Riley et al (US 4,121,818), Riley et al (US B1 4,121,818), Espenschied, Hartsoe (US 5,685,533), Hartsoe (US 5,678,812), and McCain et al (US 3,966,185) are all cited as examples of automated apparatus' for collecting, stitching, or cutting printed products.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (703)308-3423. The examiner can normally be reached on 9:00 AM - 5:00 PM.

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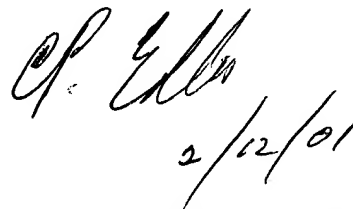
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher P. Ellis can be reached on (703)308-2560. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-0552 for regular communications and (703)308-0552 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.



Jeffrey A. Shapiro  
Patent Examiner,  
Art Unit 3651

February 12, 2001



CHRISTOPHER P. ELLIS  
SUPERVISORY PATENT EXAMINER  
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